

Handbook on Rights & Responsibilities

2010-2011



Macomb
Community College

Education • Enrichment • Economic Development

866.Macomb1 (866.622.6621)
www.macomb.edu



Dear Macomb Community College Student,

At Macomb Community College, we seek to provide an environment conducive to learning for all students. This handbook is one of the many learning tools available. Please review the handbook carefully, or go to our website at macomb.edu.

As a responsible member of our learning community, you will be expected to know and follow the policies, rules, and regulations within this handbook that contribute to the learning process on our campuses. Equally important, this handbook also explains your rights as a student. By clearly understanding your rights as well as your responsibilities, you will position yourself for success at Macomb Community College.

We also ask you to join us in maintaining a safe environment on all of our campuses and sites. Please promptly report all crimes, accidents, and civil infractions occurring on College property to the College Police Department. At Center Campus, they are located in room I-107 and can be reached at 586.286.2123. At South Campus, you will find them in C-116, or you may dial 586.445.7135.

If you have questions about any of the information in this handbook, please don't hesitate to call me at 586.445.7407. Let's work together to ensure an enjoyable learning experience for all students at Macomb Community College.

Sincerely

Susan R. Boyd

Dean of Student Success

Macomb Community College

Mission Statement

As a publicly funded and community-based institution of higher education, Macomb Community College provides a comprehensive program of high-quality educational, enrichment, and economic development experiences designed to promote individual growth and social improvement.

Organizational Goals and Purposes

Macomb Community College endeavors to maintain open, affordable, and lifelong access to an integrated continuum of learner-centered educational opportunities, personal enrichment experiences, and community development programs, including:

- Transfer Education, designed to offer courses that parallel university curricula and prepare students to succeed in their pursuit of a bachelor's degree.
- Career Preparation, designed to prepare and qualify students for immediate employment and ongoing success in the world of work.
- Learning Outreach, designed to provide alternative delivery systems, personalized learning options, and off-campus learning opportunities.
- Advanced Studies, designed to enable students to complete baccalaureate degrees, graduate programs and continuing professional education experiences through affiliation with colleges, universities and professional associations.
- Student and Community Enrichment, designed to provide artistic, athletic, cultural, co-curricular, and personal enrichment experiences and related community development programs.
- Economic and Workforce Development, designed to deliver customized learning experiences, specialized business support services, and continuing education offerings that rapidly respond to business and community needs.
- Student Success Services, designed to improve academic achievement, persistence, and the attainment of educational goals.

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College Rules and Regulations

Macomb Community College enacts the following regulations for the care, preservation, and protection of the property governed by the College and for the control of the conduct of those on said property in order to assure the successful operation of the College, maintain good order, promote the objectives of the College, and to obviate unnecessary and improper interferences with College activities and with the lawful activities of those coming upon land governed by the College.

The following regulations as well as all applicable Township, City, County, State, and Federal laws, statutes, ordinances, and regulations shall apply on all College property and all College-sponsored events. All crimes, accidents, and civil infractions occurring on College property must be promptly reported to the College Police.

Article I Alcoholic Beverages

Section A Students, employees, and visitors of Macomb Community College are expected to observe all federal, state and local laws and College regulations governing the use and possession of alcoholic beverages. All persons are prohibited from furnishing, using, or possessing alcoholic beverages on College property, except as noted in Section C below, or to be under the influence of alcohol while on College property. Offenders may be subject to criminal charges and/or disciplinary action by the College.

Section B Possession shall consist of having an open or unopened container of alcoholic beverage on the person, or in the vehicle of occupancy, immediately before challenge by an enforcing official.

Section C Exception to the consumption of alcoholic beverages on campus is permitted only by special authorization granted through the Office of the Vice President for Advancement and Community Relations, or when upon licensed premises at the Macomb Center for Performing Arts and Cultural Center. See Board of Trustee Policy, On Campus Licensed Use of Alcoholic Beverages: <http://mcc/menu/docDisplay.asp?dID=736>

Article II Buildings, Physical Facilities, Equipment, and Supplies

Section A The use of College buildings, physical facilities, equipment, and supplies is limited to the purposes designated by the College, and must be approved by the appropriate College authority. Specific regulations governing the use of the College's buildings and physical facilities may be obtained from the College Police, or the Director of Conference and Co-Curricular Services.

- Section B It is unlawful for any person to misuse, mutilate, or destroy any building, physical facility, or equipment under the governance of the College.
- Section C It is unlawful for any person to dislocate or remove equipment or property owned by the College unless properly authorized.
- Section D It is unlawful for any person to mutilate any tree, shrub, or herbaceous plant, or remove therefrom any identification sign or tag.
- Section E No person shall deposit, dump, or otherwise dispose of refuse of any kind on College property.
- Section F No person owning or having under his control a dog, cat, or any other animal shall permit such animal to be upon the property of the College without a leash suitably attached to said animal so as to restrain its movements. Such animals, except those owned by the College for the purpose of instruction or those used by the visually impaired, are not permitted in College buildings without the prior authorization of the College Police. Horses, unless authorized, are not permitted on land governed by the College.
- Section G No person shall picnic on College property in areas not authorized, designated and/or posted as picnic areas.
- Section H No person shall construct or otherwise erect, or abide in any lean-to, trailer, tent or other temporary shelter facility anywhere within the confines of land governed by the College, without prior authorization.
- Section I It is unlawful for any unauthorized person to use the College tunnel complex. The use of the tunnels in emergencies, such as tornado warnings and civil defense alerts, is permitted.
- Section J It shall be unlawful for any person to trespass on College property that is posted.



Article III Disturbance in Public Place

- Section A Any actions which disrupt the purposes of the College are prohibited.
- Section B The right of the student body, individually or collectively, 1) to attend and participate in classes or other College-sponsored activities, 2) to pass from class to class and building to building without undue obstruction, 3) to eat and/or study within an atmosphere of appropriate calm within designated areas, shall not be infringed upon by individual students, student organizations, the faculty, the administration or any outside individual, group, or agency.
- Section C Persons or organizations wishing to demonstrate, protest, and petition, must do so within the guidelines established for those purposes by the College so as to preserve the rights enumerated above. Permission for such activities must be obtained from the Dean of Community and Student Enrichment.
- Section D Any approved College function held off campus where there is a public or private complaint regarding nuisance, destruction of private or public property, disruption of public safety, or any other type of complaint will be just cause for disciplinary action against the individual or individuals, sponsoring group or groups, who are found responsible for the disruption.

Article IV Dress and Appearance

Proper attire is required. Moderation and good taste are expected.

Article V Student Conduct

A student's behavior at the College must comport with educational processes and should not disrupt teaching, learning, or the orderly conduct of business. Any misconduct that interferes with the educational mission of the College is a serious offense for which the student will be subject to disciplinary action by his/her teacher and/or other College personnel.

- Section A No person shall conduct themselves in such a way as to deprive others of an orderly atmosphere for study.
- Section B Each student is expected to comply with the classroom regulations of an individual teacher as established by the teacher in writing at the beginning of the term.

Article VI Drugs

No person shall use, possess, distribute, or sell drugs except as expressly permitted by law.

Article VII Integrity of Academic Work

Any violation of academic integrity is a serious offense for which the student will be subject to grading sanctions up to and including failure in the class involved. Grading sanctions will be administered by his/her teacher. In addition, the student may be subject to additional disciplinary action by the College.

Section A No student shall cheat on an examination or other academic assignment.

Section B No person or persons shall procure or furnish, in any unauthorized manner, any piece or pieces of writing, which can be shown by competent authority to contain the questions and/or answers to an examination scheduled for some subsequent date, to any individual or group enrolled in any course of study offered by the College.

Section C The unauthorized possession of any of the aforesaid writings shall be considered prima facie evidence of an attempt to violate the provisions of Section A.

Section D No person shall allow another to take an examination or complete any other academic work on his/her behalf.

Section E A person is guilty of plagiarism who fails to give credit for any ideas or material taken from another for either written or oral presentation. The offering of materials assembled or collected by others in the form of projects or collections without acknowledgment, also is considered plagiarism.



Section F No person shall gain entry to any records or information stored in the College's computer system(s) other than those records specifically registered to that person's user identification code.



This includes, but is not limited to, official College records, as well as information stored by another student. Tampering shall be defined as unauthorized access to records, as well as the altering of information.

Article VIII Fires and Fire Alarms

Section A It shall be unlawful for any person or persons to set a fire upon the lands governed by the College, except under circumstances approved by appropriate College officials.

Section B No person shall willfully sound or cause to be communicated any false alarm or other emergency signal.

Article IX Financial Responsibility

Section A No persons shall owe money to the College such as tuition, fees, loans, library fines, bookstore accounts, or facility fees or charges for food or refreshments unless satisfactory arrangements have been made for repayment.

Section B Restitution for services rendered, or for property misused, destroyed or damaged, may be required by the College.

Article X Fireworks, Firecrackers, Etc.

No person shall have in his or her possession, offer for sale, explode or cause to explode, any fireworks, firecrackers, or other explosive devices.

Article XI Gambling

Illegal gambling in any form is prohibited at all times.

Article XII Identification

When applicable, and/or upon request by an appropriate member of the College staff, persons requested to do so shall present acceptable identification (e.g., driver's license, or Macomb student identification card or Library card).

Article XIII Theft or Damage of Property

No person or persons shall steal or damage property belonging to another person, organization, or institution. This includes tampering with coin operated machines. Violators may be handled by the local police, the College disciplinary process, or both.

Article XIV Records

No person shall forge a signature, or give false or incomplete replies to questions, verbal or written, on applications, forms or other documents required by properly authorized representatives of the College.

Article XV Parking and Traffic

Section A College roadways and service drives are considered public roads. Therefore, local traffic ordinances and state traffic laws shall apply, and shall be enforced by the College Police and local police.

Section B All posted traffic and parking regulations must be followed.

Section C Parking is restricted and/or prohibited in areas posted as such.

Section D Persons other than faculty or staff are prohibited from parking in lots designated Faculty/Staff only.

- Section E Illegally parked and/or abandoned vehicles may be ticketed, towed, and/or impounded.
- Section F It is unlawful for any person without a validated state handicap permit to park a vehicle in a parking location designated for the handicapped. Special parking for temporarily handicapped persons may be allowed in staff lots. Permits must be obtained by the person requesting this privilege from the College Police, Building C, Room 116, South Campus: or Building I, Room 107, Center Campus.
- Section G No unauthorized vehicle shall be parked on College property between 2:00 a.m. and 6:00 a.m. Requests for exceptions to this rule shall be made through the College Police.
- Section H Bicycles, skateboards, go-carts, motorized vehicles, or any conveyance considered to be dangerous to either the rider or pedestrians, shall not be operated on College walkways, ramps, or stairways. Exceptions to this section may be made by the College Police. In all cases, prevailing state and local motor vehicle codes and fire regulations shall apply.

Article XVI Selling, Soliciting, and Advertising

- Section A Selling, soliciting, and advertising is prohibited unless properly authorized by the Office of the Director of Conference and Co-Curricular Services and/or the director of the specific facility.
- Section B All materials to be posted, or distributed, or sold on College property must be approved by the Office of the Director of Conference and Co-Curricular Services and/or the director of the specific facility.
- Section C Distribution of handbills on vehicles on College property is prohibited.

Article XVII Smoking and Tobacco Products

Smoking and the use of all tobacco products is prohibited inside College buildings. Use proper receptacles for disposal.

Article XVIII Weapons

- Section A No person, unless legally authorized and properly licensed, shall bring onto College property, any type of firearm or other explosive device.
- Section B Knives and other similar objects on one's person or in one's car, shall be limited to a blade length of no more than three inches.
- Section C Other objects not normally considered dangerous (pipes, chains, etc.) if used in a careless, threatening, or harmful manner, shall be in violation of this Article.

Article XIX When Policies of Other Organizations Apply

When students are involved in cooperative education, internships, clinical or other related academic experience(s), their conduct is governed by the policies, rules and regulations of the host organization, and those of the College. Violations of the host organization's policies, rules, or regulations may subject a student to immediate course or program dismissal, or other appropriate College discipline.

Article XX Enforcement of Rules and Regulations

Section A Except with respect to student discipline, College Police shall be charged with the responsibility and authority to enforce these rules and regulations, as well as applicable federal, state, and local laws, statutes, and ordinances.

Section B Persons accused of violating these rules may be reported to the law enforcement agency having jurisdiction. Students and College employees may be subject to discipline.

Section C In accordance with Public Act No. 26, effective August 1, 1970, an act to provide penalties for certain conduct at public institutions of higher education, a person is guilty of a misdemeanor, punishable by a fine or by incarceration or both, when such person is in violation of the properly promulgated rules of the institution when an authorized officer of the institution directs the person to vacate the premises, building, or other structure of the institution, and when the person thereafter willfully remains in or on such premises, building, or other structure; or when in so remaining therein the person constitutes a clear and substantial risk of physical harm or injury to other persons or property, or an unreasonable prevention or disruption of the customary and lawful functions of the institution, by occupying space necessary therefore or by use of force or threat of force. (MCL 752.581 and MCL 752.582)



Equal Opportunity/Affirmative Action

Macomb Community College declares and reaffirms its commitment to the principles of equal employment and educational opportunity, and of non-discrimination in the provision of all services to the public.

Macomb Community College shall deal with all employees and students uniformly without reference to race, creed or religion, color, sex (including unfair abuse of both male and female employees, or students, as defined by law), national origin, age, marital status, handicap, or other factors, which cannot be lawfully used as the basis for an employment decision or student status.

Macomb Community College further reaffirms its policy of non-discrimination, on the basis of minority status, sex (including sexual harassment), handicap, or other impermissible grounds, in the provision of all services provided to the public by all administrative and academic facilities of the College.

The College commits itself to a continuing program to assure that unlawful discrimination does not occur in the services it renders to the public, and that those sectors of the public most affected by this policy be kept informed of its content.

Macomb Community College shall provide equal educational opportunities to all students for the county; and, so long as availability of facilities, faculty, and services permit; to students from surrounding counties, the State of Michigan, other states, and other countries in accordance with College admission/tuition policies.

There shall be no discriminatory practices based upon race, creed or religion, color, sex (including sexual harassment), national origin, age, marital status, handicap, or other factors, which cannot be lawfully used as the basis for an employment decision or student status.

Through the programs set forth in its Affirmative Action Plan, together with the resolution adopted by the Board of Trustees of the College on June 9, 1981 directing the Administration to take certain specific affirmative action to effect full equal employment opportunity as outlined in the resolution, the College undertakes to comply fully with all applicable federal, state, and local laws relating to equal employment opportunity, affirmative action, and non-discrimination in public services.



Statement of Assurance

It is the policy of Macomb Community College to comply with the provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, the Elliot-Larsen Civil Rights Act, and the Persons with Disabilities Civil Rights Act, as well as all requirements imposed pursuant thereto, to the end that no person will be subjected to discrimination in employment or excluded from participation in, or denied the benefits of, any College program or service on the ground of race, color, national origin, sex, disability, or age.

Civil Rights Complaint Procedure

Procedure for complaints under any of the following:

- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Age Discrimination Act of 1975
- The Elliot-Larsen Civil Rights Act
- The Persons with Disabilities Civil Rights Act

Any person who believes that Macomb Community College or an employee of Macomb Community College has violated Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, the Elliot-Larsen Civil Rights Act, or the Persons with Disabilities Civil Rights Act may submit a written complaint to the appropriate Civil Rights Coordinator at the address indicated:

For complaints against a student:

Susan R. Boyd
Dean of Student Success
Macomb Community College
14500 E. Twelve Mile Road
Warren, Michigan 48088
586.445.7407

For complaints against an employee:

F. Jack Witt III
Vice President, Human Resources
Equal Opportunity and Diversity Officer
Macomb Community College
14500 E. Twelve Mile Road
Warren, Michigan 48088
586.445.7897

Upon receipt of the complaint, the appropriate Civil Rights Coordinator will discuss the complaint with the complainant and conduct an investigation that is appropriate under the circumstances. After conducting an investigation, the Civil Rights Coordinator shall issue a written determination to the complainant.

Nothing in this statement of procedure shall prevent a person who believes a violation has occurred from filing a complaint with either of the following:

Michigan Department of Civil Rights
110 West Michigan Avenue, Suite 800
Lansing, Michigan 48913

Or

Office for Civil Rights
U.S. Department of Education
Washington, D.C. 20202

Unlawful Harassment

I. Policy Prohibiting Unlawful Harassment

A. Harassment Prohibited

It is the policy of Macomb Community College to maintain an academic and work environment free of harassment based on sex, race, color, national origin, religion, disability, age, marital status, pregnancy, height, or weight (hereinafter “unlawful harassment”). Harassment based on these characteristics diminishes individual dignity, impedes equal employment and educational opportunity, and is contrary to the standards and goals of the College. Harassment based on sex, race, color, national origin, religion, disability, age, marital status, pregnancy, height, or weight will not be tolerated at Macomb Community College.

An employee or student of Macomb Community College shall not harass an employee or student of the College, an applicant for employment or enrollment at the College, a person employed on the premises of the College under an independent contract for services, or a participant in a College-sponsored program on the basis of sex, race, color, national origin, religion, disability, age, marital status, pregnancy, height, or weight. This Policy and the law prohibit harassment on the basis of these characteristics. This Policy and the law also prohibit retaliation for having brought a complaint of unlawful harassment, having opposed unlawful harassment and/or for having participated in the complaint or investigation procedure.

B. Unlawful Harassment Defined

1. Sexual Harassment

For purposes of this Policy, the term “sexual harassment” means:

- (a)unwelcome sexual advances, requests for sexual favors, and other verbal or physical acts of a sexual nature when, 1) it is explicitly or implicitly suggested that submission to or rejection of the acts will be a factor in academic or employment decisions, evaluations or status, including participation in College-sponsored activities, or, 2) they are used as a factor for employment or academic decisions; or
- (b)unwelcome verbal or physical acts that are based on sex that are so severe and pervasive that they objectively either, 1) have the effect of unreasonably interfering with an individual’s work or academic performance, or 2) create an intimidating, hostile, or offensive learning or working environment.

2. Racial and Other Types of Unlawful Harassment

The College prohibits verbal or physical acts based on race, color, national origin, religion, disability, age, marital status, pregnancy, height or weight that are so severe and pervasive that they objectively either, 1) unreasonably interfere with an individual’s work or academic performance, or 2) create an intimidating, hostile, or offensive learning or working environment.

3. Examples

The Appendix to this Policy provides examples to illustrate types of conduct and communication that are prohibited under this Policy Prohibiting Unlawful Harassment. The examples are not designed to be, and should not be construed as being, exhaustive of the types of conduct that may violate this Policy or the law.

4. Totality of the Circumstances

Not every act that might be offensive to an individual will be considered harassment and/or a violation of this Policy Prohibiting Unlawful Harassment. In determining whether an act or series of acts constitutes harassment, the totality of the circumstances that pertain to a given incident, including the nature, frequency, intensity, location, and duration, will be closely reviewed in context, with due consideration given to the protection of individual rights, including speech guaranteed by the First Amendment to the United States Constitution. Although repeated incidents generally create stronger evidence of prohibited harassment, a serious incident, even if isolated, can be sufficient.

5. Germane Classroom Speech

Macomb Community College recognizes that the academic setting is distinct from the typical workplace in that latitude is required in determining the appropriate content of academic material. Thus, speech in the classroom that is germane to course content is not subject to this Policy. However, regular use of profane, vulgar, or

obscene language in the classroom that is not germane to course content (and thus educational purpose) as measured by professional standards is prohibited by College policy and may lead to the imposition of discipline. Reasonable care must be exercised in applying this Policy to avoid violation of First Amendment rights.

C. Persons and Settings Covered

Unlawful harassment by an employee or student of Macomb Community College of an employee or student of the College, an applicant for employment at the College, a person employed on the premises of the College under an independent contract for services, or a person participating in or attending a College-sponsored program is unacceptable, whether it takes place on or off a campus. This prohibition against acts of unlawful harassment by employees or students shall not be construed to be a condonation of harassment committed by vendors, independent contractors, or visitors to a campus.

D. Conformity with Collective Bargaining Agreements

To the extent of any conflict between this policy and an applicable collective bargaining agreement, the collective bargaining agreement shall govern.

II. Complaint Procedure

Any person who feels she or he has been subjected to unlawful harassment, is aware of conduct prohibited under the College's Policy Prohibiting Unlawful Harassment, or feels that she or he has been retaliated against for complaining about, opposing, or participating in the complaint or investigation procedure should promptly bring the matter to the attention of the Affirmative Action Officer (F. Jack Witt III, telephone 586.445.7897) or the Office of the Provost (telephone 586.445.7596).

III. Investigation Procedure

Reports of unlawful harassment are taken seriously by the College and will be investigated. The specific action taken in any particular case depends on the nature and gravity of the conduct reported, and may include investigation, intervention, mediation, and disciplinary process.

If a complaint alleges facts sufficient to suggest a violation of the College's Policy Prohibiting Unlawful Harassment, the administrator in charge of the division or unit in which the alleged harasser is assigned or enrolled shall investigate the complaint. The Office of Human Resources shall be responsible for answering questions and disseminating information about unlawful harassment and the College's Policy Prohibiting Unlawful Harassment, and shall advise and assist the administrator in charge of the investigation of a complaint.

Procedural due process appropriate to the case shall be afforded to the alleged harasser. A thorough and impartial investigation will generally include:

1. Interviewing of the complainant, both at the time the complaint is initially presented and at the time the complaint is reduced to writing;
2. Interviewing the alleged harasser and reducing his or her statement to writing;
3. Interviewing all witnesses identified by the complainant or the alleged harasser or other potential witnesses who may have observed the conduct alleged or who may possess knowledge regarding the allegation under investigation and reducing their statements to writing, either by requesting that the witnesses do so or by reducing their statements to writing to be signed or otherwise acknowledged by the witnesses;
4. Reviewing any documentary or other evidence submitted by the complainant or the alleged harasser;
5. Making a written determination of the validity of the complaint.

IV. Procedure for Resolving the Complaint

A. If Violation Found

If the administrator in charge determines that a violation of the College's Policy Prohibiting Unlawful Harassment has occurred, the administrator in charge and/or other appropriate administrators shall take prompt and appropriate remedial action to stop the harassment, seek to prevent its recurrence, and may take disciplinary measures against those responsible. Such remedial action may include:

1. Progressive disciplinary action;
2. Restoration to an individual of any employment or student benefits or status impaired unlawful as a result of the unlawful harassment or the exercise of the right to make a complaint of harassment, to oppose unlawful harassment, or to participate in an investigation under this policy;
3. Removal from the individual's personnel or student record or other records of the College of any documents containing adverse or negative references to the complainant flowing from the policy violation;
4. Referral of any individual, including the harasser or the complainant, or both, to counseling;
5. At the option of the complainant and if practicable, reassignment or transfer to an equivalent position or class section;
6. Other appropriate measures to assure that any individual adversely affected by the filing of a complaint, participation in any complaint proceeding, or opposition to unlawful harassment is restored to the position or status held prior to the policy violation;

7. Removal of the effects of the policy violation in the work place or study environment, such as the removal of offensive graffiti, posters or other means of harassment, the elimination of offensive remarks, and/or the elimination of unwanted physical contact;
8. Other appropriate measures to assure that this policy, and the College's commitment to enforcing its Policy Prohibiting Unlawful Harassment, is reiterated in the work place or study environment, such as republication of the policy and in-service training relating to the policy.

B. If No Violation Found

If the administrator in charge determines that no violation of the College's Policy Prohibiting Unlawful Harassment has occurred, the administrator in charge should:

1. Inform the complainant and the alleged harasser of the results of the investigation and the reasons for the finding of no policy violation;
2. Advise the complainant and the alleged harasser that the College is committed to the enforcement of its Policy Prohibiting Unlawful Harassment and will not tolerate unlawful harassment or retaliation of any sort;
3. Notwithstanding the determination that no policy violation has occurred, advise all individuals that there will be no retaliation for making a complaint of harassment, opposing unlawful harassment, or participating in an investigation under the College's Policy Prohibiting Unlawful Harassment;
4. Advise the complainant to contact the Affirmative Action Officer or the Provost in the event of a future violation;
5. Take appropriate measures to assure that this policy, as well as the College's commitment to enforcing its Policy Prohibiting Unlawful Harassment, is reiterated in the work place or study environment such as republication of the policy and in-service training relating to the policy.

C. If No Determination Possible

If the administrator in charge determines there is insufficient information from which to make a determination whether a policy violation has occurred, the administrator in charge should:

1. Inform the complainant and the alleged harasser of the finding that no determination can be made;
2. Advise the complainant and the alleged harasser that the College is committed to the enforcement of the College's Policy Prohibiting Unlawful Harassment and will not tolerate unlawful harassment or retaliation of any sort;

3. Notwithstanding the determination that there is insufficient information from which to determine that a policy violation has occurred, advise all individuals that there will be no retaliation for making a complaint of unlawful harassment, opposing unlawful harassment, or participating in an investigation under the College's Policy Prohibiting Unlawful Harassment;
4. Advise the complainant to contact the Affirmative Action Officer or the Provost in the event of a future violation;
5. Take appropriate measures to assure that the College's Policy Prohibiting Unlawful Harassment, as well as the College's commitment to enforcing the College's Policy Prohibiting Unlawful Harassment, is reiterated in the work place or study environment, such as republication of the policy and in-service training relating to the policy.



V. Protection Against Retaliation

Retaliation against an individual who in good faith reports, objects to, or provides information in an investigation about behavior that may violate the College's Policy Prohibiting Unlawful Harassment are against the law, violates the College's Policy Prohibiting Unlawful Harassment and will not be tolerated. Individuals who believe they have been retaliated against for reporting, objecting to, or providing information about behavior that may violate the College's Policy Prohibiting Unlawful Harassment should report such retaliation in a manner consistent with the Complaint Procedure outlined above.

VI. Confidentiality

The College recognizes the importance of confidentiality. The College will respect, and all involved parties are expected to also respect, the confidentiality and privacy of individuals reporting or accused of prohibited

harassment to the extent reasonably possible. Complaints of harassment, as well as all notes, statements, and written conclusions of any harassment investigation are confidential and must not be publicly disclosed. Examples of situations where confidentiality cannot be maintained include circumstances when the College is required by law or contract to disclose information (such as in response to legal process) and when disclosure is required by the College's interests in protecting the rights of others. Individuals found to have violated the confidentiality of this process may be subject to discipline up to and including discharge or expulsion.

VII. Appendix

In *Downey v Charlevoix County Board of County Road Commissioners*, 227 Mich App 621 (1998), a 45 year old male heavy equipment operator for the Charlevoix County Road Commission named James Downey suffered from a depressive disorder. Downey alleged that the manager of the Road Commission, Larry Hamlin, frequently used the phrase "old guys," tried to make the work environment "miserable" for the older employees, would "pick on" older employees and gave younger employees preferential treatment, and said that older workers were lazy or "excess baggage." Downey also produced testimony that his direct supervisor, Tim Parsel, made several derogatory remarks concerning the medication Downey was taking for his depressive disorder and made fun of Downey one day because he was taking Prozac. The Michigan Court of Appeals held that these facts, if believed by a jury, could sustain Downey's claim that he was subjected to a hostile work environment based on his age and disability.

In *Shrout v Black Clawson Company*, 689 F Supp 774 (WD Ohio, 1988), a female employee named Barbara Shrout temporarily engaged in voluntary consensual sexual relationship with her supervisor, Edward Lewis. After Shrout terminated the relationship, Lewis attempted to force Shrout to submit to his sexual advances by withholding performance evaluations and salary reviews that were necessary prerequisites to obtaining salary increases. In addition, Lewis made sexual remarks to Shrout, left sexual materials on her desk, touched her intimately, splashed water on her and "looked down [her] blouse and up [her] skirt." The Court held that this behavior, combined with the employer's failure to make a reasonable attempt to remedy it, sustained Shrout's sexual harassment claim.

In *Moore v KUKA Welding Systems*, 171 F3d 1073 (CA 6, 1999), Gerald Moore was the only African-American working on the shop floor. One of Moore's co-workers called him a "nigger" in front of a supervisor, another co-worker used the term "nigger-rigging" to represent poor workmanship, co-workers frequently told racially-derogatory jokes, someone wrote the phrase "kill all niggers" on a bathroom wall, and Moore was asked to drive a white employee somewhere. Although acknowledging that the evidence was not overwhelming, the Court found sufficient evidence to support the jury's verdict that the plaintiff had been subjected to hostile environment racial harassment.

In *EEOC v R & R Ventures*, 244 F3d 334, 85 FEP Cases 553 (CA 4, 2001), the Court held that a reasonable jury could conclude that the manager of a fast-food restaurant created a sexually hostile work environment for teenage female employees by describing his sex life, discussing sexual positions with his employees, regularly asking employees about their sex lives, making inappropriate sexual remarks, and commenting on the female employees' physical appearance. The inappropriate sexual remarks included telling a female employee that she gave him a "cheap thrill" when she bent over, asking an employee whether she liked to be spanked, and commenting that women were stupid as compared to men. The offending comments continued even after an employee asked the manager to stop making the comments. The Court noted that the severity of the manager's alleged conduct was exacerbated because the manager was "an adult male in a supervisory position over young women barely half his age" and "engaged in a systematic effort to cripple the self-esteem of the teenagers who assisted him at the store."

In *Dowdy v Bower*, 1998 U.S. App LEXIS 11792 (1998), a business owner asked a female employee named Summer Dowdy to photocopy her breasts, bragged about the size of his penis, offered to give Dowdy a raise if she would provide sexual favors to him, and encouraged Dowdy to have sexual intercourse with two persons and/or another woman. The owner also subscribed to several pornographic magazines that were available to all the employees in the office. Once, a pornographic homosexual magazine was placed in Dowdy's desk with a "post-it" note affixed to one of the pages. The note, which was placed on a page depicting a nude man with an erect penis, said "Summer, this is for you." In addition, other employees bragged to Dowdy about their sexual prowess, asked her intrusive questions about her sexual experiences, and suggested that she participate in lewd sexual acts. The Court ruled that this conduct, if proved at trial, could sustain Dowdy's hostile environment sexual harassment claim.

In *Van Steenburgh v The Rival Company*, 171 F3d 1155 (CA 8, 1999), an employee named Van Steenburgh alleged that her supervisor, a man with whom she had enjoyed a good working relationship, stated that he was interested in seeing Van Steenburgh socially. The supervisor repeatedly confronted Van Steenburgh in private and proposed that she engage in a romantic relationship with him; touched her on several occasions; followed



her to a drugstore and asked her to go somewhere where they could be alone; repeatedly entered her office and asked her to have an affair with him; hugged her at the workplace; told her that he wished he could take her away from her husband; touched her breast; and grabbed her leg under the table while he, Van Steenburgh, and their spouses were playing cards. Finally, after Van Steenburgh rebuffed his attempt to put his arms around her, the supervisor got angry, stating, “You owe me and you’re going to pay.” The supervisor subsequently announced in front of other employees that he had decided to place someone else above Van Steenburgh on the production line, and verbally abused Van Steenburgh when she protested. The circuit court upheld a jury’s determination that Van Steenburgh had suffered hostile environment sexual harassment.

Student Discipline

The following principles and procedures shall govern cases in which a student is alleged to have violated the *College Rules and Regulations* as approved by the Board of Trustees.

I. Procedural Due Process

Procedural due process appropriate to the specific case must be followed prior to the imposition of discipline for violation of the *College Rules and Regulations*. Some elements of due process, such as timely and specific notice of charges, are almost always appropriate regardless of the gravity of the violation alleged. Other elements, such as a written transcript to the hearing or representation by a lawyer, are only appropriate in cases where the discipline is severe (dismissal from the College and criminal charges, for example). Prior to hearing, the student shall be informed of the elements of due process to be followed in the case. Among the elements of due process that may be provided are:

- A. Timely and specific notice of the charges
- B. Right to a hearing before the Dean of Student Success
- C. Right to appeal the decision of the Dean of Student Success to the College Disciplinary Panel
- D. Right to present evidence on the student’s behalf
- E. Right to rebut adverse testimony
- F. Right to a written transcript of the hearing
- G. Right to representation by a lawyer

Other procedural safeguards may be followed as required by the circumstances.

II. Burden and Standard of Proof

The burden shall be on the College to show by a preponderance of the evidence, that the student violated the *College Rules and Regulations*.

III. Status of Student Pending Hearing

A student's status shall not be changed prior to hearing unless there is reasonable cause to believe that the student's status (for example, his or her continued presence in the classroom or on campus) poses a danger to persons or property or will disrupt the educational process. The decision to alter a student's status pending hearing will be made by the Dean of Student Success or his/her designee.

IV. Forms of Discipline

Disciplinary action must be proportionate to the violation and, depending on the nature of the violation, may take the form of a reprimand; restrictions on activities or privileges; restitution; denial of honors, certificate or degree; probation; temporary or permanent suspension from a class or program; dismissal from the College; or other measures appropriate under the circumstances of the case.

V. Procedures for Classroom Misconduct

The following procedures shall govern cases wherein violation of any rule or regulation regarding classroom conduct is alleged.

Immediate Removal From Class

If misconduct warrants an immediate removal from the class for the remainder of the class period, the teacher may do so without a prior hearing. College Police Officers shall remove the student from the classroom upon oral request by the teacher. The teacher shall provide written certification that the student has violated "College Rules and Regulations" and has refused to leave the classroom as soon as practicable upon request.

Additional or Different Discipline

If a teacher believes misconduct warrants additional or different discipline, the teacher may consult with the Dean of Student Success or his/her designee who may elect to:

- Take no action;

OR

- Change the student's status pending a meeting with the student; AND
- Notify the student in a timely fashion of his/her change of status, the specific charges, and the due process to be afforded under the circumstances; AND do one of the following:
 - Meet with the student and contact the teacher and other appropriate persons to explore and adopt non-disciplinary solutions, including the establishment of guidelines for returning the student into class;

OR

- Meet with the student and contact the teacher and other persons appropriate to the case, make a written determination of the facts,

take disciplinary action if such action is warranted, and notify the student of his/her decision and the right to appeal to the College Disciplinary Panel.

VI. Procedures for Other Misconduct

Violations of any rule or regulation, except those regarding classroom conduct, may be reported to the Dean of Student Success, who may elect to:

- Take no action;

OR

- Change the student's status, if appropriate, pending a meeting with the student; AND
- Notify the student in a timely fashion of any change of his/her status, the specific charges, and the due process to be afforded under the circumstances; AND do one of the following:
- Meet with the student and contact other appropriate persons to explore and adopt non-disciplinary solutions;

OR

- Meet with the student and contact other persons appropriate to the case, make a written determination of the facts, take disciplinary action if such action is warranted, and notify the student of his/her decision and the right to appeal to the College Disciplinary Panel.

VII. Appeal

The student, teacher, or charging party may appeal the decision of the Dean of Student Success to the College Disciplinary Panel. Written Notice of Appeal shall be filed with the Dean of Student Success. The Notice of Appeal shall state with specificity why the Dean's decision should not stand.

Upon receipt of a timely filed Notice of Appeal, the Dean of Student Success shall schedule the appeal for hearing before the College Disciplinary Panel and notify the student of the date, time and place of the hearing and of the due process to be afforded in the appellate process. The hearing may be adjourned at the request of any party for good cause.

The College Disciplinary Panel may affirm, modify or reverse the decision of the Dean of Student Success. The decision of the College Disciplinary Panel shall be final.

VIII. College Disciplinary Panel

The College Disciplinary Panel shall be composed of a Vice President designated by the President or the Vice President's designee, an Academic Dean or the Dean's designee, and a faculty member appointed by the Macomb Community College Faculty Senate.

IX. Timelines

Disciplinary action, if any, should be imposed within 30 days of the date the student receives notice of the charge(s); notice of appeal should be filed with the Dean of Student Success within 20 days of the date disciplinary action is imposed; and the final decision of the Disciplinary Panel should be made within 30 days of the date Notice of Appeal is filed with the Dean of Student Success. These timelines are intended as guidelines and may be extended by the Disciplinary Panel if the circumstances of the case justify an extension.

Acceptable Use of Information Technology Resources

I. Purpose

This policy is designed to guide students, faculty, and staff in the acceptable use of computer systems, networks, and other information technology resources at Macomb Community College.



II. Guiding Principles

A. Non-public Forum

Information technology at Macomb Community College is a non-public forum. The College reserves the right to restrict access to and the use of information technology resources in a manner consistent with federal and state law.

B. Creativity Encouraged

The College community is encouraged to make innovative and creative use of information technologies in support of educational, scholarly, and administrative purposes.

C. Copyrighted Materials

Macomb Community College recognizes the importance of copyright and other protections afforded to the creators of intellectual property. Users are responsible for making use of software and other information technology resources in accordance with copyright and licensing restrictions and applicable College policies. Using information technology resources in a manner violating these protections, or furthering the unauthorized use or sale of protected intellectual property is prohibited.

D. Offensive Material

Macomb Community College cannot protect individuals against the receipt of potentially offensive material. Those who use electronic communications occasionally may receive material that they might find offensive. Those who make personal information available about themselves through the Internet or other electronic media may expose themselves to potential invasions of privacy.

E. Use IT Wisely

Information technology resources are provided to support the College's scholarly, educational, and administrative activities. Information technology resources are limited, and should be used wisely and with consideration for the rights and needs of others.

F. Privilege, Not a Right

The use of Macomb Community College computer systems, networks, and other information technology resources is a privilege, not a right; and inappropriate use of such resources may result in suspension or termination of privileges and/or other discipline.

III. User Responsibilities

A. Protect your Password

Users are expected to use computer and network resources in a responsible manner. Users should take appropriate precautions to ensure the security of their passwords and prevent others from obtaining access to their computer resources. Convenience of file or printer sharing is not a sufficient reason for sharing computer accounts and passwords.

B. Prohibited Practices

The following behaviors are prohibited while using College information technology resources, including computers and networks owned or operated by Macomb Community College, or to which Macomb Community College is connected.

1. Modifying system or network facilities, or attempting to crash systems or networks.

2. Using, duplicating or transmitting copyrighted material without first obtaining the owner's permission, in any way that may reasonably be expected to constitute an infringement, or that exceeds the scope of a license, or violates other contracts.
3. Tampering with software protections or restrictions placed on computer applications or files.
4. Using College information technology resources for personal for-profit purposes.
5. Impersonating another user or otherwise falsifying a user name in email.
6. Degrading or disrupting the network, hindering access to the network, or otherwise excessively using resources in a manner which effectively denies service to other users.
7. Sending chain letters, junk mail, "spam," "flaming," "mailbombs," or other similar types of broadcast messages.
8. Sending a message to more than ten (10) internal or external email addresses except as required to conduct College business.
9. Using information technology resources in a manner that is disruptive of the workplace or educational purpose of the College, or which otherwise hinders the effectiveness of the institution.
10. Using information technology resources to access, store, or transmit pornographic material unless such use is for legitimate academic purposes.
11. Sending messages that are malicious or that a reasonable person would find to be harassing or threatening.
12. Subverting restrictions associated with computer accounts.
13. Using information technology resources to obtain unauthorized access to records, data, or other forms of information owned, used, possessed by, or pertaining to the College or individuals.
14. Accessing another person's computer account without permission. Users may not supply false or misleading data, or improperly obtain another's password to gain access to computers or network systems, data or information. Obtaining access to an account name or password through the negligence or oversight of another is considered to be a specifically prohibited use.
15. Intentionally introducing computer viruses, worms, Trojan Horses, or other rogue programs into information technology resources that belong to, are licensed to, or are leased by Macomb Community College or others.

16. Physically damaging information technology resources.
17. To help prevent copyright violations, minimize the risk to college PCs and network from malware such as spyware, viruses, adware or other privacy-invasive software, and to protect against excessive bandwidth use, the use of Peer to Peer (P2P) file sharing software, including, but not limited to, Kazaa, Morpheus, Direct Connect, LimeWire, Gnutella, Bearshare, eDonkey and BitTorrent, is prohibited on any device using the college network. The appropriate vice president or provost may grant an exception to the policy upon a showing of a legitimate academic or college business purpose in compliance with United States copyright law, with appropriate review by General Counsel.
18. Using, or encouraging others to use, information technology resources in any manner that would violate this or other College policies, or any applicable state or federal law.
19. Falsely reporting or accusing another of conduct that violates this policy, without a good faith basis for such an accusation.

C. College Image

Users should remember that information distributed through the College's information technology resources may be considered a form of publication. Although Macomb Community College does not take responsibility for material issued by individuals, users must recognize that third parties may perceive anything generated at Macomb Community College as in some manner having been produced under Macomb Community College auspices. Accordingly, users are reminded to exercise appropriate language, behavior, and style in their use of information technology resources.

IV. Policy Administration

A. College Access to Your Files

The College encourages all members of its community to use electronic resources in a manner that is respectful of others. While respecting users' privacy to the fullest extent possible, the College reserves the right to examine any computer files. The College reserves this right for bona fide purposes, including, but not limited to:

1. Enforcing policies against harassment and threats to the safety of individuals.
2. Protecting against or limiting damage to College information technology resources.
3. Complying with a court order, subpoena or other legally enforceable discovery request.

4. Investigating and preventing the posting of proprietary software, or electronic copies of texts, data, media, or images in disregard of copyright, licenses, or other contractual or legal obligations or in violation of law.
5. Safeguarding the integrity of computers, networks, hardware, software, and data.
6. Preserving information and data.
7. Upgrading or maintaining information technology resources.
8. Cooperating with law enforcement authorities in reporting and investigating suspected criminal activity.

B. Terminating Your Use of Computers

The College may suspend or terminate the use of its computers and network systems when presented with evidence of a user's violation of College policies, or federal or state laws, or when it is necessary to do so to protect the College against potential legal liability. The College reserves the right to limit access to its information technology resources, and to remove or limit access to material stored on College information technology resources.

C. Disciplinary Action

All users are expected to conduct themselves consistent with these responsibilities. Abuse of computing privileges may subject the user to disciplinary action as established by applicable College policies and/or collective bargaining agreements.

D. Bound by Public Law

The College and users must recognize that all members of the College community are bound by federal and state laws pertaining to civil rights, harassment, copyright, security, and other statutes governing use of electronic media. This policy does not preclude enforcement under such laws.

V. Reporting Violations

Allegations of student conduct that is believed to violate this Acceptable Use Policy should be reported in writing to the Dean of Student Success. Allegations of faculty or staff conduct that is believed to violate this Acceptable Use Policy should be reported in writing to the Vice President for Human Resources. To ensure the fairness of any proceedings that may follow a reported violation, the individual filing the report should not discuss or provide copies of the allegations to others.

Violence Prevention

I. Violence and Threats of Violence Prohibited

Macomb Community College will not tolerate violence or threats of violence on campus. Unless privileged by law, any person who intentionally injures or threatens to injure another person on campus, or intentionally engages in a course of conduct which would cause a reasonable person to fear for his/her personal safety on campus, and in fact causes a person to fear for his/her safety on campus, shall be subject to discipline, prosecution, civil commitment, and other appropriate action. This policy of zero tolerance extends to threats of injury and threatening courses of conduct made or occurring 1) off campus if there is reason to believe that violence may occur on campus, or 2) in jest if a reasonable person would apprehend the threat or course of conduct as serious and the person who is the subject of the threat or course of conduct believes it to be serious.

II. Reporting of Violations and Protective Court Orders

All employees of the College who are subjected to or witness violent acts or threats of violent acts in violation of this policy are required to report them to the College by immediately contacting the College Police. All other persons who are subjected to or witness violent acts or threats of violent acts in violation of this policy are encouraged to report them to the College by immediately contacting the College Police. Persons entering a campus who are protected by court order from violence, threats of violence, stalking, harassment, or other interference from another person must provide a copy of the order to the College Police as soon as practicable upon issuance of the order.

III. Response to Violations

The College Police shall respond to all violations of this policy in accordance with its procedures. As soon as practicable after receipt of a report of violation, the Department shall convene a meeting of the ad hoc threat response team to assess the report and take appropriate action. The ad hoc threat response team shall consist of representatives of the College Police, the Office of Human Resources, the Dean of Student Success if a student is alleged to have violated this policy, the labor organization representing the bargaining unit of an employee alleged to have violated this policy, and other persons appropriate to the circumstances.



Student Concern and Complaint Procedure

If a student has concerns which merit discussion with a teacher or another college staff member, the student is encouraged to express his/her concern with the appropriate person, whether it be a teacher or staff member if this can be comfortably done. If not, the student should contact the supervisor of that individual to discuss the concern and seek appropriate resolution.

A student may initiate a complaint against a teacher if a student believes that the teacher has engaged in misconduct while performing duties, or has failed to perform duties. The complaint process involves the following steps:

1. The student may direct the complaint to the Associate Dean or Dean in the appropriate academic area for informal resolution. Alternatively, the student may submit the complaint to the Dean in writing. This notification must specify the reasons for the complaint, and be signed and dated.
2. The Dean in the academic area, Associate Dean in the academic area, or the Dean of Student Success will investigate the complaint.
3. As part of the investigation, the student may be called upon to personally discuss the complaint in the presence of one of the Deans, or a designee and/or the teacher against whom the complaint is lodged.
4. One of the Dean's or a designee will decide whether action should be taken based upon the facts determined in the investigation.

Questions regarding the complaint procedure may be directed to the Associate Dean or Dean of the teacher's department. Students may also contact the Dean of Student Success for assistance with this procedure.

Grade Appeal Guidelines

If a student believes a faculty member has issued a final grade in violation of the faculty member's published grading standards or practices, the student must do the following:

Step One Student meets with the faculty member.

Step Two Student meets with the appropriate Associate Dean or Dean of the teacher's department if the problem is not resolved in step one.

Step Three If the student has not been able to resolve the issue in one of the above steps, the student may appeal the grade by submitting the Academic Standards Committee Student Petitions form (found on macomb.edu) to the Associate Dean or Dean.

The form must specify how the published grading standards or practices have been violated and be signed and dated. The Academic Standards Committee must receive the form no later than six months following the end of the course. Again, the appeal form can only be sent to the College Standards Committee after completing steps one and two. Questions regarding the appeal process may be directed to the Associate Dean or director of the teacher's department.

All grade change requests must be initiated within six months following the end of that course for which the grade was recorded. No grade change request will be accepted after that period of time.

Confidentiality of Student Records Policy

I. Introduction

Macomb Community College recognizes the importance of maintaining records for each individual student, which present authentic evidence of the events and actions, which both contribute to and confirm the student's educational progress; and to facilitate the intelligent and purposeful direction necessary to the achievement of the educational goals of the student in a college setting.

State and federal laws govern the release and disclosure of student records maintained by the College. It is the purpose of these guidelines to provide reasonable interpretations of the laws as presently stated and to protect the student's right of privacy. These guidelines have a two-fold purpose.

- A. To protect a student's right to the privacy of information the College has concerning the student, and
- B. To provide guidelines for release or disclosure of such information within the meaning of federal and state law, and as may be necessary for the effective functioning of the College.

II. Notification to Students of Rights Under the Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) afford students certain rights related to their educational records. They are:

- A. The right to inspect and review the education records within 45 days of the day the College receives a request for access. The student must submit to the Director of Enrollment Services/Registrar a written request that identifies the record(s) to be inspected. The College will make arrangements for access and notify the student of the time and place where the record(s) may be inspected. If the College official to whom the request was submitted does not maintain the record(s), that official shall advise the student of the correct official to whom the request should be addressed.
- B. The right to request an amendment to the student's education record(s) the student believes is inaccurate or misleading. The student may ask the College to amend a record believed to be inaccurate or misleading. The student should write the College official responsible for the record, clearly identifying the part of the record to be changed, and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision, and advise the student of the right to a hearing regarding

the request for amendment. Additional information regarding the hearing procedures are outlined below under Section VII, Requests to Amend an Educational Record-Hearing Procedures, will be provided to the student when notified of the right to a hearing.

- C. The right to consent to disclosures of personally identifiable information contained in the student’s education record, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic, or support staff position (including law enforcement unit and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agency); a person serving on the Board of Trustees; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill her/his professional responsibility. Upon request, the College discloses education records without consent to officials of another school to facilitate the student’s transfer and enrollment.



- D. The right to file a complaint with the United States Department of Education concerning alleged failures by Macomb Community College to comply with the requirements of FERPA. The complaint can be sent to the following office that administers FERPA:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

III. Directory Information as Defined by Macomb Community College

Macomb Community College defines “directory information” as:

- A. A student’s name
- B. Major field of study
- C. Participation in officially recognized activities and sports
- D. Weight and height of members of athletic teams
- E. Dates of attendance
- F. Degrees and awards received
- G. Most recent education agency or institution attended

The College may include a student's directory information in college publications or otherwise release such information to the public without a student's consent, unless a student has informed the College, in writing, that his or her directory information is confidential. This notice must be sent or delivered in person to the Office of Enrollment Services/Registrar, Macomb Community College, 14500 E. 12 Mile Road, Warren, MI 48088-3896.

An oral or written request for a student's directory must be directed to the Office of Enrollment Services. Enrollment Services will respond as time permits. Enrollment Services reserves the right to deny any request for directory information or to charge a fee for information provided in response to a request.

IV. Solomon Amendment Directory Information

Effective March 29, 1997, schools are required to provide the Department of Defense access to directory information upon request. A student may request in writing to withhold the release of any or all of this information to the Department of Defense. Such a request should be sent to the Office of Enrollment Services/Registrar, Macomb Community College, 14500 E. 12 Mile Road, Warren, MI 48088-3896.

V. Privacy Act Notice

Pursuant to the Privacy Act of 1974, students are hereby notified that disclosure of their social security numbers is mandatory for registration at Macomb Community College. Social security numbers are used 1) to verify the identity of students, 2) to keep, maintain, and access the records of students, and 3) for purposes of student financial aid and other benefits available under law. The College is required to report the social security numbers of its students to the Internal Revenue Service pursuant to the Taxpayer Relief Act of 1997.

As part of Macomb Community College's instructional program improvement efforts; and to meet the requirements of the Carl D. Perkins Vocational and Technical Education Act, Sect 113; and the Workforce Investment Act of 1998, Section 122; Macomb Community College will use the social security numbers of its students to compile certain data for the purpose of instructional program improvement, and reporting requirements for the Carl D. Perkins Vocational and Technical Education Act, Section 113, and the Workforce Investment Act of 1998, Section 122.

VI. Family Educational Rights and Privacy Act Regulations Governing Disclosure of Confidential Records

A. Disclosure of Confidential Information to the Student

A student may inspect, review, or obtain a photocopy of his or her educational record by submitting a written request, signed by the student, to the Director of Enrollment Services/Registrar. The Director of Enrollment Services/Registrar will arrange a time and date for the student to view the record, or provide the student with a photocopy of

the record requested within 45 days after receiving the request. The College may permit a student to inspect, review, or obtain a photocopy of his or her educational record upon receipt of that student's in-person, oral request. However, a student must, if requested, provide photo identification, which may be photocopied and kept in the student's file, before reviewing or receiving a copy of his or her educational record.

Students may request photocopies of their records at a cost of \$3.00 for transcripts and 25 cents a page for other documents.

B. Disclosure of Confidential Information to Third Parties

Except to the extent FERPA authorizes disclosure without consent, personally identifiable information contained in a student's educational record will be disclosed to third parties only with prior written consent of the student. The consent must 1) identify the individual, agency, or classes of individuals or agencies to whom the information is to be made available and, 2) specify the records to be released.

FERPA authorizes the disclosure of personally identifiable information contained in a student educational record without the consent of the student under various circumstances. The College may disclose such information: 1) to other Macomb Community College officials, including teachers, whom the College has determined to have legitimate educational interests, 2) to officials of another school where a student seeks or intends to enroll, 3) to the Comptroller General of the United States, the Secretary of Education, or state and local educational authorities, 4) in connection with financial aid for which the student has applied or which the student has received, 5) to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction, 6) to accrediting organizations to carry out their accrediting functions, 7) to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954, 8) to comply with a judicial order or lawfully issued subpoena, 9) to persons in connection with a health or safety emergency, 10) information designated "directory information," and 11) to an alleged victim of any crime of violence of any disciplinary proceeding conducted by an institution of post secondary education against the alleged perpetrator of that crime.

C. Parental Access to Student Records

A parent does not automatically have access to their child's student records. The Guidelines for Post Secondary Institutions for Implementation of the Family Education Rights and Privacy Act of 1974 as amended—revised edition 1995, states: "At the post secondary level, parents have no inherent rights to inspect a student's education records." As a general rule a student must consent to the release of his

or her education records. In the event that a student is a legal dependent, as defined by the Internal Revenue Code, the parent may assert the right to review the education records, but only upon presentation of a copy of the appropriate IRS form (e.g., most recent tax return), documenting dependent status. The College may keep a photocopy of the IRS form in the student file.

D. Release of Information Form

Any person requesting to review or copy student education records must submit a Release of Information Form signed by the student. The form may be obtained from the Office of Enrollment Services/Registrar or may be printed from the Macomb Community College website macomb.edu. As with all requests to review records, any person requesting access to student records must provide photo identification that may be photocopied and kept in the student's file.

E. Statement of Safeguarding Student Records

All Macomb Community College employees are required to protect the privacy of student records and abide by the following principles:

- College information systems shall contain only that student data necessary to fulfill the College's mission.
- Safeguarding of student data shall be a responsibility of each staff member having knowledge of such data.
- Due care shall be exercised to protect student data from unauthorized use, disclosure, alteration, or destruction.
- Applicable federal and state laws and college policies and procedures concerning storage, retention, use, release, transportation, and destruction of student data shall be followed.
- College procedures shall be followed in reporting any breach of security or compromise of safeguards.
- This statement of principles is applicable to all areas of the College and must be followed by all persons dealing with such information.
- Faculty and staff requiring computerized student data for official College business will be provided access. The term "access" means to read or review student data. It does not include the ability to create or modify data.
- Certain areas of the College that store and maintain student data, whether computerized or not, may have individual guidelines which will supplement, but not supplant, this statement of principles.
- Any Macomb Community College employee engaging in unauthorized use, disclosure, alteration, or destruction of student data in violation of this statement of principles shall be subject to appropriate disciplinary action, including dismissal.

VII. Request to Amend an Educational Record–Hearing Procedures

If a student is denied access to his/her record and is unable to obtain correction, or if he/she contests the factual accuracy of his/her record, he/she may request a hearing. If, as a result of the hearing, it is determined that the record is factually inaccurate, it shall be amended and the inaccurate material either destroyed (if this does not violate audit responsibilities for record keeping) or so annotated as to indicate nature and source of error and date of correction.

- A. If a student challenges the content of the record, Macomb Community College will attempt to settle such a dispute through an informal meeting with the Director of Enrollment Services/Registrar, the Dean of Student Success, and the eligible student within 10 days.
- B. If the dispute is not resolved by the Dean of Student Success, a second hearing may be held with the Vice President of Student and Community Relations. The eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and the decision shall be rendered in writing within 45 days after the conclusion of the hearing with the Vice President of Student and Community Relations.

A student who desires a procedural hearing to challenge the content of the education record, shall address the request in writing to the Director of Enrollment Services/Registrar. The written request must identify in specific terms the information the student believes to be inaccurate, misleading, or otherwise violates the privacy of the student; state the reason or reasons for challenging the portion of the record identified; and state the remedy sought, which may be either the correction or deletion of the information challenged. The substantive judgment of a faculty member about a student's work, expressed in grades assigned in a course and other evaluation of a student's work, is not within the scope of such hearings. Hearings shall be limited to the factual accuracy of the record.



INFORMATION MAINTAINED BY MACOMB COMMUNITY COLLEGE

OFFICE & INFORMATION

RESPONSIBLE OFFICIAL

ADMISSIONS & TRANSFER CREDIT OFFICE

*Director, Enrollment Services/
Registrar*

Early Admission Applications
Early Admission Approvals
High School Scholars Nominations
Transfer in Credit Equivalencies

ARTICULATION AND TRANSFER

*Director, Articulation and
Transfer Services*

Transfer Out Credit Equivalencies
Official College to College Articulation Agreements

CAREER SERVICES

Dean of Student Success

Application for Employment Assistance
Employer Information
Employment Resource Materials
Job Referral Information
Macomb Job Referral Service

CASHIER'S OFFICE

Director, Financial Services

Billing and Fee Payment Records

WORKFORCE AND CONTINUING EDUCATION

*Director, Workforce and
Continuing Education Operations*

Billing Requests and Fee Payment Records
Certified Fitness Trainer Results
Client Contract & Grant Education/Training Records
Court Reporting Results
Health Program Externship Records
Michigan Works Records
Motorcycle Safety Results
State Board CEUs for Teachers
Student Attendance Sheets
Student Certification and Test Results
Student Course Assessment Records
Student Emergency Card/C4K

COLLEGE POLICE

Captain, College Police

Citations or Violation Notices
Incident Reports

COMMUNITY ENRICHMENT

*Associate Vice President
Community and Student Services*

Student Information Cards (Name, Address,
Telephone, ID Number & Classes Taken)

COUNSELING & ACADEMIC

Dean of Student Success

ADVISING OFFICE

Achievement Records
Career Test Scores
Career Preparation and Transfer Plans
Career Testing Referral Form
Counseling Data Sheet
Course Planning Summary Department Referral
Form Plan of Action
Program Plans
Student Information Sheet
Student Program Plans

INFORMATION MAINTAINED BY MACOMB COMMUNITY COLLEGE

OFFICE & INFORMATION

RESPONSIBLE OFFICIAL

ENROLLMENT

*Director, Enrollment Services/
Registrar*

Certification Data
High School Transcript
Holds on Student's Record
International Student Records
Other (College Transcripts)
Permanent Record
Registration Forms
Social Security Certification Data
Tel-Reg/Web-Reg
Veterans Administration
Waivers for Graduation Requirements

FINANCIAL AID

Director, Financial Aid

Financial Aid Awards
Financial Aid Overpayments
Private Scholarship Files
Satisfactory Academic Progress Guidelines
Student Loan Information
Student Financial Aid Files
Student Default Status

FINANCIAL SERVICES

Director, Financial Services

Payment Records
Student Account Information
1098-T Tax Forms
Student Refund Information
Student Payroll Records

LIBRARY & INFORMATION RESOURCES

*Dean, Libraries and
Information Resources*

Records of Overdue, Fines, Lost or
Damaged Materials

PLACEMENT TESTING

Dean of Student Success

CLEP Participants
COMPASS Student Advising Report Program
Credit-By-Exam
Test Records

PUBLIC SAFETY INSTITUTE

Director, Public Safety Institute

Billing Information
Class Rosters
Registrations

SPECIAL SERVICES ASSESSMENT

Dean of Student Success

Counselor/Staff Summaries
Handicapped Certification
Referral Forms for Assistance
Services Documentation
Student Information Forms
Student Plan of Work
Tutoring Usage Record

866.Macomb1 (866.622.6621)
macomb.edu



**MACOMB COMMUNITY COLLEGE
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